

SENATE BILL 2243  
By Herron

AN ACT to amend Tennessee Code Annotated, Title 39,  
Chapter 13, Part 6, relative to invasions of privacy.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 6, is amended by  
adding the following as a new section:

§ 39-13-608.

(a) It is an offense for a person to knowingly capture an image of a  
private area of an individual without their consent and to knowingly do so under  
circumstances in which the individual has a reasonable expectation of privacy.

(b) As used in this section:

(1) "Capture", with respect to an image, means to videotape,  
photograph, film, record by any means, or broadcast;

(2) "Broadcast" means to electronically transmit a visual image  
with the intent that it be viewed by a person or persons;

(3) "A private area of the individual" means the naked or  
undergarment clad genitals, public area, buttocks, or female breast of that  
individual;

(4) "Female breast" means any portion of the female breast below  
the top of the areola; and

(5) "Under circumstances in which that individual has a  
reasonable expectation of privacy" means:

(A) Circumstances in which a reasonable person would  
believe that he or she could disrobe in privacy, without being

concerned that an image of a private area of the individual was being captured; or

(B) Circumstances in which a reasonable person would believe that a private area of the individual would not be visible to the public, regardless of whether that person is in a public or private place.

(c) This section does not prohibit any lawful law enforcement, correctional, or intelligence activity.

(d) A violation of this section is a Class A misdemeanor.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.